

NH Prescription Drug Affordability Board

Remote Meeting

May, 14, 2021, 10:00 AM

NOTE: This meeting was recorded and a recording of the entire meeting is available at:

<https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/previous-meetings.htm>

CALL TO ORDER: Representative Gary Merchant, Chair, opened the meeting; read the Right to Know statement.

ATTENDING: Representative Gary Merchant, Senator Sharon Carson, Representative James Murphy, Todd Fahey, Staci Hermann, Senator Tom Sherman, Representative William Marsh.

A quorum was established.

ABSENT: Senator Cindy Rosenwald.

INTRODUCTIONS: Each Board member introduced themselves. Additional panelists from the NH Department of Health and Human Services introduced themselves: Henry Lipman, Medicaid Director; Rob Berry, Medicaid Legal Counsel. Also introduced were attorney Catherine Pinos, from the Attorney General's office and Andrew York, Executive Director of the Maryland Prescription Drug Affordability Board.

AGENDA REVIEW: Representative Gary Merchant reviewed the agenda with the Board.

REVIEW AND APPROVE MARCH MINUTES: Motion to accept minutes of the March meeting made by Representative Gary Merchant. Senator Sharon Carson moved to adopt; Representative William Marsh seconded. Motion passed with Representative James Murphy, Representative William Marsh, Staci Hermann, Todd Fahey, Senator Tom Sherman, Senator Sharon Carson and Representative Gary Merchant all in favor.

MOU BETWEEN BOARD AND DHHS DISCUSSION: Attorney Rob Berry discussed having a draft MOU for review by Catherine Pinos and hopes to have a copy available for the next meeting.

CONFLICT OF INTEREST DISCUSSION: Rob Berry shared a draft of the Conflict of Interest statute 126-BB:3. He recommended striking the language in paragraph 2, subsections (e) and (f), that refers to the Board and Advisory Council not accepting gifts and replacing with "shall comply with the provisions of RSA 15-B". Senator Sharon Carson suggested contacting Representative Ned Gordon, Chair of the Legislative Ethics Committee, to advise, if looking to change the statute, for which Representative Gary Merchant seconded.

TECHNOLOGY UPDATE AND DISCUSSION: Henry Lipman stepped in to update the Board with a quick Powerpoint slide, in place of David Wieters. Representative Gary Merchant invited Tyler Brannen, of the New Hampshire Insurance Department (NHID), to speak about the data sharing portal that department currently uses. Tyler spoke about the portal, through which they collect detailed claims data, including prescription drug data, and basic demographic data. They are prohibited from collecting direct patient identifiers. He proceeded to give an overview of what can and cannot be collected, and the issues and benefits of the system. Representative Gary Merchant mentioned the potential use of the existing system,

with some modifications. He also brought up the requirement for notification of price increases from manufacturers. Tyler said that had to be addressed separately, and NHID has a public-facing page for this. After a short discussion, it was decided that Staci Hermann will be working with Tyler on this issue.

RULES UPDATE AND ROAD MAP DISCUSSION: Todd Fahey and Rob Berry noted they are in the process of creating a working draft, hopefully available for review at the next meeting. Representative Gary Merchant asked if the requirement for manufacturers to report price increases could be temporarily waived, since there is no portal through which to do so. Rob Berry agreed to consult with Catherine Pinos to address this question.

MARYLAND BOARD PRESENTATION: Andrew York, Executive Director of the Maryland Prescription Drug Affordability Board, introduced himself, giving a brief description of his background. He presented slides outlining the functionality of their board.

REVIEW AND DISCUSS EXECUTIVE DIRECTOR JOB BRIEF: Rob Berry presented a proposed SJD, utilizing previous director positions. He had chosen the Administrator III Supplemental Job Description (SJD) as a template, which he now thinks may not be high-level enough. He recommended the Administrator IV position, at a labor grade 33, or creating a new classification at a labor grade 35. He reviewed each section, such as accountabilities and minimum qualifications. He consulted with Andrew York, who recommended certain traits for the position, such as knowledge of government and contract procurement. A discussion was had about the importance of the position not necessarily being a practicing pharmacist, but having the knowledge of pharmacy and the manufacturing supply chain. An involved discussion was had around the advantages and drawbacks of making the position classified or unclassified. After much discussion, followed by a straw poll, all were in agreement that it would be beneficial to ascertain the recommendation of the Commissioner of Administrative Services before coming to a conclusion. Rob Berry made real time changes and additions to SJD, based on the Board's recommendations.

NEXT MEETING: Following a short discussion, it was decided the next meeting will be on June 25, 2021, at 10:00 AM. The following meeting will be on August 24, at 10:00 AM.

PUBLIC COMMENTS: Holly Stevens, of New Futures, agreed that keeping the job description broad in regards to the type of person or industry, but narrowing it for the knowledge level, to include 340-B. She thanked the Board for their service. Noah Goldstein, of Porzio, Bromberg and Newman, asked if companies should wait for guidance on reporting requirements. Catherine Pinos agreed to report on this at the next meeting. Senator Tom Sherman stated he does not believe any action can be taken without a portal in place, and that when we get an answer from the Attorney General's office, we will post it to the website.

ADJOURNMENT: Motion to adjourn made by Representative Gary Merchant; motion seconded by Representative William Marsh. Motion passed with Representative James Murphy, Representative William Marsh, Staci Hermann, Todd Fahey, Senator Tom Sherman, Senator Sharon Carson and Representative Gary Merchant all in favor.

Respectfully submitted:

Todd C. Fahey, Clerk

Nancy T. Plourde, Recording Secretary